## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

ANTONIO ORLANDER JERIDO,	)	
AIS #169480,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:09-CV-1088-ID
	)	
EARL REEVES, et al.,	)	
	)	
Defendants.	)	

## RECOMMENDATION OF THE MAGISTRATE JUDGE

On March 11, 2010, the plaintiff filed a motion to assist/motion to inform in which he seeks to dismiss commissioner Earl Reeves as a defendant because he has no evidence Reeves acted in violation of his constitutional rights. *Court Doc. No. 65* at 1. The court therefore construes the motion to assist/motion to inform as a motion to dismiss.

Upon consideration of the plaintiff's motion to dismiss, the court concludes that this motion is due to be granted. Furthermore, since the plaintiff concedes he cannot demonstrate Earl Reeves was in any way involved with the actions about which he complains, the court concludes that the claims against this individual should be dismissed with prejudice.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

- 1. The plaintiff's motion to dismiss be GRANTED.
- 2. The plaintiff's claims against Earl Reeves be dismissed with prejudice.
- 3. Earl Reeves be dismissed as a party to this cause of action.
- 4. This case, with respect to the plaintiff's claims against the remaining defendants,

be referred back to the undersigned for additional proceedings.

It is further

ORDERED that on or before March 29, 2010 the parties may file objections to the

Recommendation. Any objections filed must specifically identify the findings in the

Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive

or general objections will not be considered by the District Court. The parties are advised

that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the

Magistrate Judge's Recommendation shall bar the party from a de novo determination by the

District Court of issues covered in the Recommendation and shall bar the party from

attacking on appeal factual findings in the Recommendation accepted or adopted by the

District Court except upon grounds of plain error or manifest injustice. Nettles v.

Wainwright, 677 F.2d 404 (5th Cir. 1982). See Stein v. Reynolds Securities, Inc., 667 F.2d

33 (11th Cir. 1982). See also Bonner v. City of Prichard, 661 F.2d 1206 (11th Cir. 1981, en

banc), adopting as binding precedent all of the decisions of the former Fifth Circuit handed

down prior to the close of business on September 30, 1981.

Done, this 15th day of March, 2010.

/s/ Susan Russ Walker

SUSAN RUSS WALKER

CHIEF UNITED STATES MAGISTRATE JUDGE

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